

IN SENATE OF THE UNITED STATES.

---

MAY 2, 1836.

Read, and ordered to be printed.

---

Mr. LEIGH made the following

REPORT:

*The Committee on Revolutionary Claims, to which was referred the petition of the representative of William Mosby, deceased, reports :*

That the petitioner represents that William Mosby was, in January, 1776, appointed a lieutenant, and was afterwards promoted to a captaincy in the fifth Virginia regiment on continental establishment in the war of the Revolution ; that he continued to serve till the battle of Monmouth, which happened on the 28th June, 1778 ; that shortly after that battle, the regiment was reduced, and united to the first and ninth regiments, and the three consolidated into one ; and that, by this operation, Captain Mosby was thrown out of command, and returned home as a supernumerary ; that afterwards, when Virginia sent troops to the succor of her sister States of the South, Captain Mosby was appointed a major, joined the Southern army, served under General Gates at the battle of Camden, and afterwards under General Greene, in the Carolinas, and finally, under General Lafayette, in Virginia, until the surrender of the British army at Yorktown, when (there being nothing more left to be done) he retired from active service, but without resigning his commission : and upon this state of facts, the petitioner prays that he may be allowed five years' full pay, in lieu of half pay for life, to which he alleges that Major Mosby was equitably entitled for his services.

The evidence filed with the petition renders it very probable that the state of facts therein set forth is true. The committee proceeds upon the supposition that it is true. The objection to the claim is, that there is no foundation of law or right on which it can be sustained.

It was resolved by Congress, as early as the 11th February, 1784, that officers of the continental army who became supernumerary at the period Major Mosby became so, (namely, in the summer or fall of 1778,) were never entitled to half pay for seven years, or for life, or to commutation in lieu thereof. And this resolve has been acted upon ever since.

Major Mosby's subsequent services could only have been rendered in the capacity of an officer of Virginia militia, and however meritorious they may have been, and probably were, they entitled him to no such compensation as that now asked for his services.

The committee, therefore, recommends the following resolution :

*Resolved*, That the prayer of the petition ought not to be granted.

